

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **SEN. DEBBIE SHEA**, on January 12, 1999 at 3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Daryl Toews (R)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Glenn Roush (D)
Sen. Greg Jergeson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 57 SB 35, 1/12/1999
Executive Action: SB 37 and SB 47

HEARING ON SB 57

Sponsor: SENATOR BARRY "SPOOK" STANG, SD 36, ST. REGIS

Proponents:

Lois Menzies, Department of Administration

John Blacker, Department of Transportation

Brenda Nordland, Department of Justice

Opponents: None

Opening Statement by Sponsor:

SENATOR BARRY "SPOOK" STANG, SD 36, St. Regis, explained that SB 57 was an act requiring the Department of Administration to adopt rules for acceptable use of state owned or leased motor vehicles. He believed that the current rules were too narrow and newer, more reasonable rules should be adopted.

Proponents' Testimony:

Lois Menzies, Department of Administration, submitted written testimony **EXHIBIT(his08a01)**.

John Blacker, Department of Transportation, said his agency wholly supported the bill. He was anxious to adopt some rules that people could understand and live by.

Brenda Nordland, Department of Justice, said she appeared as a proponent to the bill but she would like to submit an amendment. **EXHIBIT(his08a02)**. She explained that the amendment was needed to allow some employees to secure a level of confidentiality. She handed out a copy of the statute that explained Confidential License Plates and Registrations to go along with her amendment. **EXHIBIT(his08a03)**.

Opponents' Testimony: NONE

Questions from Committee Members and Responses:

SENATOR MACK COLE, asked **Lois Menzies** how she was going to make employees aware of the new rules and regulations.

Lois Menzies, answered that they would be published in the Montana Operations Manual and employees would be counseled about them and there would be extensive education on the issue.

SENATOR COLE, asked if all departments would fall under a universal set of rules.

Lois Menzies, answered that they would adopt a single policy to fit all agencies.

SENATOR ARNIE MOHL, questioned **Lois Menzies** if an accident happened on their own time while they were driving the state vehicle what liability the state would have.

Lois Menzies, said the state would cover damage to the vehicle but not the employee. She believed that the employee would be covered under the health insurance plan.

SENATOR MOHL, explained that he allowed an employee of his to drive a company vehicle home who had an accident. The employee sued him and won.

Tim Reardon, said that a state employee driving a vehicle would be covered by Workmens Comp. He disagreed with Lois Menzies answer. He explained that if the employee was covered by Workmens Comp, that it was an exclusive remedy and that they could not sue the employer.

Closing by Sponsor: **SENATOR STANG**, said that the insurance coverage should be researched before action was taken on the bill.

{Tape : 1; Side : A; Approx. Time Counter : 301 - 319; Comments : Stopped the tape for a couple minutes to wait for the next sponsor.}

HEARING ON SB 35

Sponsor: **SENATOR JOHN BOHLINGER, SD 7 Billings**

Proponents:

Colonel Craig Reap, MT Highway Patrol

Donald Harr, MT Medical Association

Tom Harrison, AAA

Verner Bertelsen, Montana Senior Citizen Association

Leo Canole, self

Jerry Loendorf, Montana Medical Association

Opponents:

Doug Abelin, MTVRA

Lorna Frank Karn, MT. Farm Bureau

Opening Statement by Sponsor:

SENATOR JOHN BOHLINGER, SD 7 Billings, explained that he got the idea for a bill requiring that car headlights be on at all times while he was on a fishing trip in Canada. He said that the bill

had the support of the Highway Patrol, Montana Automobile Association, and the Montana Medical Association. He stated the essence of the bill was found on page 2. He explained that seven sections of current law were effected by this legislative request. He believed that this would save lives and reduce injuries and property damage, by increasing visual contrast.

Proponents' Testimony:

Colonel Craig Reap, MT Highway Patrol, said that safety experts had been urging the use of daytime running lights for many years, and traffic safety people including the Highway Patrol had conducted lights on for safety campaigns. He hoped that there had been a reduction in crashes due to that. He concluded that in a recent meeting with commanders of the Highway Patrol he was urged to support this measure.

Donald Harr, MT Medical Association, said he was glad that this bill was introduced because he believed that it would add an extra safety factor for drivers of vehicles and pedestrians. He explained that the physicians associated with the Montana Medical Association supported the bill because they were in favor of anything that reduced injuries and deaths from vehicle accidents. He believed that by passing this bill Montanans could not only be independent individuals but also leaders in safety. He introduced written testimony from Ron Messman, **EXHIBIT(his08a04)**.

Leo Canole, submitted written testimony, **EXHIBIT(his08a05)**.

Tom Harrison, AAA, indicated that AAA national policy was to urge vehicle manufacturers to include interlocked daytime running lights as standard equipment on new motor vehicles. He recalled serving in the legislature 26 years ago and sponsoring Senate Joint Resolution 28 that encouraged the motoring public to drive with their head lights on low beam during the day time to deter head-on collisions on the open highway. He asserted that because of SJR 28 this has been public policy in this state for the last 26 years.

Verner Bertelsen, MT Senior Citizen Association, went on record for the MSCA as being in support of the legislation. He believed that it made all the difference in the world if you could see the oncoming traffic.

Jerry Loendorf, went on record in support of the bill for the Montana Medical Association.

**{Tape : 1; Side : B; Approx. Time Counter : 340; Comments :
turned tape over}**

Opponents' Testimony:

Doug Abelin, said he did not oppose the intent of the bill but asked for an exclusion for off-road vehicles on the secondary roads to get from trail head to trail head.

Lorna Frank Karn, said she opposed the bill from the standpoint of the farmers and ranchers in Section 61-9215. She said the older trucks do not have warning signals when the lights are left on. The farmers and ranchers were worried that they would be stranded with dead batteries. She suggested an amendment to allow an exemption for older farm vehicles.

Informational Testimony:

John Blacker, presented a sheet on the cost of signing the roadways, **EXHIBIT(his08a06)**.

Questions from Committee Members and Responses:

SENATOR RIC HOLDEN, asked John Blacker if a Fiscal note could be drafted.

SENATOR DARYL TOWES, said that he didn't start wearing seatbelts when that law was passed, but that when he became convinced that it was the right thing to do he started to do it. He believed that the same would hold true with the headlight idea.

SENATOR BOHLINGER, said that this law had reason and purpose built into it and that it did in fact save lives.

SENATOR JOHN HERTEL, asked **SENATOR BOHLINGER** if other states had this mandated in their laws.

Donald Harr, said there were no other states at this time.

SENATOR DEBBIE SHEA, commented on **SENATOR TOWES'** statement about wearing seatbelts. She said that if you were involved in a wreck with another car, and they had chosen not to wear a seatbelt that it wouldn't directly effect you. On the other hand, someone with their headlights on impacts and helps your driving, and you impact and help theirs.

SENATOR BOHLINGER, said he was glad that distinction was made. He thought there should be limits to what you could do when it affected other peoples lives.

SENATOR GLENN ROUSH, asked what the fine would be for a violation for driving without your headlights on during the day.

SENATOR BOHLINGER, said the bill didn't provide language that would provide a fine. The Highway Patrol suggested a minimum fine of \$20.00 without affecting one's driving record.

SENATOR MACK COLE, said it was his understanding that a seat belt violation was a secondary offense. He wondered how the sponsor would feel about making this a secondary offense as well.

SENATOR BOHLINGER, said that he did not think this should be a secondary offense because it was evident if you had your headlights on or if you did not.

SENATOR COLE, asked Lorna Karn if she was looking to have an exemption for vehicles that were over a certain weight or year.

Lorna Karn, said she would work with the committee to have an exemption as to the age of the vehicle.

SENATOR COLE, asked if the cost of signing would be different if it was coincided with putting up speed limit signs.

John Blacker, said it was a possibility, but that it would not make much of a difference.

SENATOR REINY JABS, asked if this would apply to farm trucks that did not have tail lights.

Col. Reap, replied that it would not.

SENATOR JABS, said that parking lights were dangerous. He believed that maybe they should be done away with.

Col Reap, commented that people were not required to drive with their parking lights on.

SENATOR MOHL, asked how many tickets were given to animal-drawn carriages on the road at night.

Col. Reap, said he did not believe he had ticketed any.

SENATOR MOHL, asked how a ticket would be given to someone who was driving the animal drawn trailer who did not have a drivers license.

Col. Reap, said that you did not need a drivers license to receive a ticket.

SENATOR MOHL, asked if they could have a complete fiscal note before executive action was taken on the bill. He also inquired about an effective date if the bill was passed.

SENATOR BOHLINGER, said that he hadn't required an effective date. He believed it would take time to sign the highway and let people know it was the law. He believed the October default date would be alright.

Closing by Sponsor: **SENATOR BOHLINGER**, said he appreciated the questions. He responded to concerns by the opponents. He restated that this bill was meant to have vehicles drive with their headlights on during the day to promote safety. He was not concerned with off road recreating. He reiterated remarks made by the proponents. He hoped that the committee would decide in favor of the bill.

{Tape : 1; Side : B; Approx. Time Counter : 415 - 417; Comments : stopped tape to let room clear out}

EXECUTIVE ACTION ON SB 37

Motion: **SEN. COLE** moved that SB 37 **BE ADOPTED**.

Discussion:

SENATOR GREG JERGESON, said that there was never an effective way found to enforce liability insurance on automobiles. He wondered how to get people to do it.

SENATOR RIC HOLDEN, said he believed that it was important that the bill not be passed because of all the constituents that were against it.

Motion/Vote: **SEN. HOLDEN** moved that SB 37 **BE TABLED**. **Motion carried 11-0.**

EXECUTIVE ACTION ON SB 47

Motion: **SEN. COLE** moved that SB 47 **BE ADOPTED**.

Discussion:

SENATOR TOWES, asked if the department would have total control.

SENATOR MOHL, said that it would move from the Highway Patrol, and the people would transfer to Motor Carrier Services, under the Department of Transportation.

{Tape : 2; Side : A; Approx. Time Counter : 425; Comments : switched to tape 2}

Connie Erickson, said that currently the program was the primary responsibility of the Highway Patrol, however officers of the MCS cooperate with the Highway Patrol to implement the program. She said this bill transferred the primary responsibility to MCS but still allowed the Highway Patrol to cooperate with them in implementing it.

SENATOR SHEA, asked if **Col. Reap** would explain the savings in the bill.

Col. Reap, said that he believed that the majority of the savings was personnel services. He said that the seven current vacancies in the Motor Carrier Services would be filled by transferring employees from the Department of Justice. He felt that you could realize the same savings by just closing the vacant positions and leaving the program where it was. He did not believe that the savings in the fiscal note were connected to the transfer of the program.

SENATOR JABS, believed that the Highway Patrol could respond to a call a lot easier than weigh station personnel. He didn't see the benefit of transferring the program.

SENATOR MOHL, said he believed the program should be switched. He said that he could call the GVW to come into his business to hold the inspections and do the paper work at the same time. He said that the savings were achieved because you would eliminate duplication of services.

SENATOR JABS, commented that the GVW had never come to his place to issue his permits.

SENATOR MOHL, explained that you had to request that service.

SENATOR HERTEL, asked if **SENATOR MOHL**, thought there would be more or less enforcement of the highways.

SENATOR MOHL, said he believed there would be just as much or more enforcement.

SENATOR HERTEL, asked if the Highway Patrol would still have the incentive to stop trucks as much as they have in the past.

SENATOR MOHL, said he had not ever had the Highway Patrol stop one his trucks for something other than a traffic violation. He said that the GVW had stopped him numerous times to check and see that his papers were up-to-date.

SENATOR HERTEL, said it was important to him that there was no reduction in enforcement at all. Especially when it came to a speed limit.

SENATOR JERGESON, said he was concerned that they were going to close weigh stations when they had asked the legislature to establish weight standards that these vehicles had to comply with.

SENATOR MOHL, stated that no jobs would be lost. The employees would just transfer from the Department of Justice to the Department of Transportation Motor Carrier Services.

SENATOR JABS, asked what closing the weigh stations had to do with the bill.

SENATOR MOHL, said that it does not have anything to do with this bill.

SENATOR HOLDEN, called for a roll call vote.

Vote: Motion to ADOPT SB 47 failed with Hertel, Jabs, Jergeson, Roush, Shea, and Stang voting No. SB 47 was reconsidered on 1/14/99. Standing committee report enclosed in that set of minutes.

ADJOURNMENT

Adjournment: 4:43 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his08aad)